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Attorneys on behalf of Plaintiff

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS PRODUCTS  
LIABILITY LITIGATION

No. 2:15-MD-02641-DGC

AMENDED SECOND AMENDED MASTER  
SHORT FORM COMPLAINT FOR DAMAGES  
FOR INDIVIDUAL CLAIMS AND DEMAND FOR  
JURY TRIAL

This Document Pertains to Member Case:  
2:17-cv-00722-DGC

Plaintiff(s) named below, for their Complaint against Defendants named below,  
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).  
Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

Robert Howie

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of  
consortium claim:

Amy Howie

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,  
conservator):

N/A

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence  
at the time of implant:

~~Mississippi~~ Arkansas

1           5.     Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence  
2                     at the time of injury:

3                     Mississippi

4           6.     Plaintiff's current state(s) [if more than one Plaintiff] of residence:

5                     Mississippi

6           7.     District Court and Division in which venue would be proper absent direct  
7                     filing:

8                     United States District Court Northern District of Mississippi

9           8.     Defendants (check Defendants against whom Complaint is made):



C. R. Bard Inc.



Bard Peripheral Vascular, Inc.

12           9.     Basis of Jurisdiction:



Diversity of Citizenship



Other: \_\_\_\_\_

15           a.     Other allegations of jurisdiction and venue not expressed in Master  
16                     Complaint:

17                     A substantial portion of events leading to Plaintiff's injuries arose in Mississippi  
18                     making jurisdiction and venue proper.

19  
20           10.    Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making  
21                     a claim (Check applicable Inferior Vena Cava Filter(s)):



Recovery<sup>®</sup> Vena Cava Filter



G2<sup>®</sup> Vena Cava Filter



G2<sup>®</sup> Express Vena Cava Filter



G2<sup>®</sup> X Vena Cava Filter



Eclipse<sup>®</sup> Vena Cava Filter



Meridian<sup>®</sup> Vena Cava Filter

☐ Denali® Vena Cava Filter

☐ Other: \_\_\_\_\_

11. Date of Implantation as to each product:

On or about December 8, 2005.

12. Counts in the Master Complaint brought by Plaintiff(s):

- ☒ Count I: Strict Products Liability – Manufacturing Defect
- ☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)
- ☒ Count III: Strict Products Liability – Design Defect
- ☒ Count IV: Negligence - Design
- ☒ Count V: Negligence - Manufacture
- ☒ Count VI: Negligence – Failure to Recall/Retrofit
- ☒ Count VII: Negligence – Failure to Warn
- ☒ Count VIII: Negligent Misrepresentation
- ☒ Count IX: Negligence *Per Se*
- ☒ Count X: Breach of Express Warranty
- ☒ Count XI: Breach of Implied Warranty
- ☒ Count XII: Fraudulent Misrepresentation
- ☒ Count XIII: Fraudulent Concealment
- ☒ Count XIV: Violations of Applicable Mississippi (insert state) Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices
- ☒ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☒ Punitive Damages

☐ Other(s): \_\_\_\_\_ (please state the facts supporting this Count in the space immediately below)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

13. Jury Trial demanded for all issues so triable?

☒ Yes

☐ No

RESPECTFULLY SUBMITTED this 2nd day of June, 2017.

By: /s/ Eric Roslansky  
The Ruth Law Team  
P.O. Box 16847  
St. Petersburg, FL 33733

I hereby certify that on this 2nd day of June, 2017, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Eric Roslansky